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Air Pollution Regulations in State Implementation Plans California, Colusa County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Colusa County

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Air Pollution Regulations in State Implementation Plans:

California
Colusa County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-4

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

COLUSA COUNTY, CALIF.

Submittal Date	Approved Date	Description
6/30/72	9/22/72	All regs. approved unless noted otherwise
7/25/73	8/22/77	Rule 6.5 & Amendment #3
1/10/75	8/22/77	Rules 6.2, 6.4d (1-2). (Note: Existing rule 4.4(g) is disapproved.)
2/10/76	8/22/77	Rules 6.6A.I and 6.6A.II-1 (a-f)

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STATE AIR POLLUTION REGULATIONS

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REGULATION I - GENERAL PROVISIONS

(3.0) RULE 1.1 Title

These rules and regulations shall be known as the Rules and Regulations of the Colusa County Air Pollution Control District.

(1.0) RULE 1.2 Definitions

Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

A. Air Contaminant. "Air Contaminant" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

B. Atmosphere. "Atmosphere" means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

C. Board. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Colusa County.

D. Combustible Refuse. "Combustible Refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

E. Combustion Contaminants. "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

F. Condensed Fumes. "Condensed Fumes" are minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimination, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

G. Control Officer. "Control Officer" means the Air Pollution Control Officer of the Air Pollution Control District of Colusa County.

H. District. "District" is the Air Pollution Control District of Colusa County.

I. Dusts. "Dusts" are minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

J. Hearing Board. "Hearing Board" means the Hearing Board of the Air Pollution Control District of Colusa County.

K. Multiple-Chamber Incinerater. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone equivalent of at least 17, tested according to the method described in the American Society for Testing Material, Method C-24.

L. Orchard or Citrus Grove Heater. "Orchard or Citrus Grove Heater" means any article, machine, equipment, bowl burner, or other contrivance, burning any type fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage in areas not completely enclosed; the word "Orchard" includes orchard or plant nurseries.

M. Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

N. Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplies, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

O. Process Weight Per Hour. "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

P. Regulation. "Regulation" means one of the major subdivisions of the Rules of the Air Pollution Control District of Colusa County.

Q. Rule. "Rule" means a rule of the Air Pollution Control District of Colusa County.

R. Section. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

S. Standard Conditions. "Standard Conditions" as used in these regulations, are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

T. Open Outdoor Fire. "Open Outdoor Fire" as used in this regulation means combustion of any combustible refuse or other material of any type outdoors in the open air not in any enclosure, where the products of combustion are not directed through a flue.

U. Residential Rubbish. "Residential Rubbish" means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

V. Institutional Facility. "Institutional Facility" means any hospital boarding home, school, corporation yard, or like facility.

W. Source Operation. "Source Operation" means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not an air pollution abatement operation.

(2.0) RULE 1.3 Confidential Information

All investigations conducted, and information obtained by the Control Officer, except data or information on amount of emission and percentage control, shall be confidential, and shall not be disclosed without prior written consent of the person or persons owning or operating the proper affected.

a. Nothing contained in this rule shall limit the Control Officer's use of any material, investigation data, or information in any proceedings before the Hearing Board, the Control Board, or any Court of competent jurisdiction.

b. The unauthorized disclosure of such confidential information shall constitute a misdemeanor.

(15.0) RULE 1.4 Enforcement

These rules and regulations shall be enforced by the Control Officer under authority of Health and Safety Code, Section 24224 (b) Article 2, and Sections 24260, 24262, Article 4; and all officers empowered by Section 24221, Article 2.

(2.0) RULE 1.5 Validity

If any regulation, rule, subdivision, sentence, clause, or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

(5.0) RULE 1.6 Air Resources Board Power to Supercede.

Approval by the Air Resource Board of any variance to these rules and regulations shall supercede the rules and regulations promulgated by the Colusa County Air Pollution Control District.

(2.0) RULE 1.7 Effective Date

These amended Rules and Regulations shall take effect on April 4, 1972.

REGULATION II - REGISTRATION AND PERMITS

(3.0) RULE 2.1

Subject to the exemptions specified in Rule 2.4, each facility which operates any article, machine, equipment, or other contrivance which, in its operation, emits or may emit, reduce, or control air contaminant as herein defined, shall be registered with the Control Officer. The person responsible for the operation of such facility shall register of cause same to be registered within 90 days after the adoption of these rules and regulations or within 30 days after such facility first becomes subject to registration, whichever is later. The person responsible for such registration shall maintain the same in a current status by notifying the Control Officer in writing of any significant change in any item of information furnished in compliance with this section.

(3.0) RULE 2.2

A person registering a facility as required by Rule 2.1 shall include in such registration the following:

a. The business name of the facility.

b. The location of the facility.

c. The name and address of the responsible managing officer.

d. A general description of the facility.

e. The nature of the business.

f. The number and description of the contaminant producing items involved.

g. Any other pertinent information required by the Air Pollution Control Officer relating to the emission of air pollutants.

(3.0) RULE 2.3

Every person who is subject to these rules and regulations may be served with notices, including notices of hearing before the Hearing Board, by Certified Mail, addressed to the address contained in the registration file with the Control Officer.

(3.0) RULE 2.4 <u>Permits General Requirements</u>

a. No person shall cause or permit the construction or modification of any new source of air contaminants without first obtaining an authority to construct or modify from the Air Pollution Control

Officer as to the location and design of such new source to comply with applicable rules and regulations and ambient air quality standards of the District.

b. The Air Pollution Control Officer shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the new source can be expected to comply with all the applicable state laws and District rules and regulations.

(3.0) RULE 2.5 Permits Required

a. Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

b. Permit to Operate. Before any article, machine, equipment or other contrivance described in subsection (a) above, may be operated or used, or leased or rented for operation or use, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in subsection (a) above, constructed or installed without authorization as required by subsection (a) above, until the information required pursuant to these Rules and Regulations is presented to the Air Pollution Control Officer.

(3.0) RULE 2.6 Exemptions

These are hereby exempted from the registration and permit requirements:

a. Vehicles as defined by the Vehicle Code of the State of California and aircraft.

b. Internal combustion engines.

c. Combustion equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

d. Comfort air conditioning or comfort ventilating system which is not designed to remove air contaminants generated or released from specific units or equipment.

e. Equipment used exclusively for enclosed space heating, other than boilers.

f. Equipment used for the purpose of preparing food, in restaurants, bakeries, and confectioneries.

g. Steam generators, steam superheaters, water heaters, and closed heat transfer systems that are fired exclusively with one of the following:

   1. Natural gas.

   2. Liquefied petroleum gas.

   3. A combination of natural gas and liquefied petroleum gas.

h. All agricultural equipment, other than orchard heaters emitting more than one (1) gram per minute of unconsumed solid carbonaceous matter.

i. Self-propelled mobile construction equipment, other than pavement burners, used in grading, leveling, paving or other similar operation.

The exemptions set forth above do not supersede the provisions hereinafter provided in Regulation IV.

(3.0) RULE 2.7 Standards for Granting Applications for Permits

a. The Air Pollution Control Officer shall deny authorization to construct, or permit to operate except as provided in the "Exemptions" above, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of all applicable state and local regulations.

b. No authority to construct or modify shall be granted unless the applicant shows to the satisfaction of the Air Pollution Control Officer that the new source, as designed or modified, does not endanger maintenance or attainment of any applicable ambient air quality standard.

c. Before authorization to construct or permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and test purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the authorization to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

d. In acting upon a Permit to Operate, if the Air Pollution Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

e. The fact that an authorization to construct or modify or a permit to operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment, or other contrivance. In every instance the person, firm or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

(3.0) RULE 2.8 Conditional Approval

The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the permit standards in which case the conditions shall be specified in writing. Commencing work under such an authorization to construct, or operation under such a permit to operate, shall be deemed acceptance to all the conditions so specified. The Air Pollution Control Officer

shall issue an authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the permit standards under the revised conditions.

(3.0) RULE 2.9 Denial of Applications

In the event of denial of authorization to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proven by the written acknowledgement of the persons served or by the affidavit of the person making the service. The Air Pollution Control Officer shall not accept further application unless the applicant has corrected those matters specified by the Air Pollution Control Officer as his reasons for denial of the authorization to construct or permit to operate.

(3.0) RULE 2.10 Further Information

Before acting on an application for authorization to construct or permit to operate, the Air Pollution Control Officer may require the applicant to furnish information or further plans or specifications.

(3.0) RULE 2.11 Action on Applications

The applicant may at his option, deem the authority to construct or permit to operate denied if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing, or within thirty (30) days after applicant furnished the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later, and if during such periods the Air Pollution Control Officer has failed to notify the applicant that his application is still under consideration. Within thirty (30) days after the first day on which the applicant may deem such denial, the applicant may appeal pursuant to the procedures of Section 2.12.

(2.0) RULE 2.12 Appeals

Within ten (10) working days after service of notice by the Air Pollution Control Officer of denial or conditional approval of an authorization to construct or a permit to operate, the applicant may petition the Hearing Board, in writing, pursuant to the provisions of Regulation V of these Rules and Regulations, for a public hearing. The Hearing Board after notice and a public hearing held within thirty (30) days after filing of the petition, may order the action of the Air Pollution Control Officer sustained or reversed, and such order may be made subject to specified conditions.

(2.0) RULE 2.13 Appeal Fee

Any applicant filing an appeal pursuant to Regulation V shall pay a filing fee in the amount of $25.00, which fee shall not be returnable.

REGULATION III - FEES

(16.0) RULE 3.1 Hearing Board Fees

a. Every applicant or petitioner for a variance or for the extension, revocation or modification of a variance, except any state or local governmental agency or public district, shall pay to the clerk of the Hearing Board, on filing a fee in the sum of $25.00. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code or Rule 5.3, Regulation V, exceeds $25.00 per petition.

b. Any person requesting a transcript of the hearing shall pay the cost of preparing such transcript.

REGULATION IV - PROHIBITIONS

(2.0) RULE 4.1 Prohibitions under State Law

The provisions of Article 3, Chapter 2, Division 20 of the State of California Health and Safety Code, entitled Prohibitions, are applicable within the boundaries of the Colusa County Air Pollution Control District.

(9.0) RULE 4.2 Analyses Required

The Control Officer at any time may require from any person subject to the regulations of the Board, such information at analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the Control Officer may request the Control Officer may request the Air Pollution Control Board to hire a registered professional engineer to make an independent study and report as to the nature, extent, quantity and degree of any air contaminants which are or may be discharged from the source. An engineer so designated is authorized to inspect any article, machine, equipment or other contrivance necessary to make the inspection and report.

(50.1.2) RULE 4.3 Ringelmann Chart

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is:

a. As dark or darker in shade as that designated as No.2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this Rule.

(2.0) RULE 4.4 Exceptions

The provisions of Rule 4.3 do not apply to:

a. Smoke from fires set by or permitted by any public officer, if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary.

    1. For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means, or

2. The instruction of public employees and paid or volunteer firemen's methods of fighting fire.

b. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

c. Smoke from open burning for which a permit has been issued under the provisions of Rule 4.8.

d. Agricultural operations in the growing of crops or raising of fowl or animals.

e. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute. State law provides that this exception will no longer be applicable on and after the 61st day following adjournment or the 1972 regular session of the State Legislature.

f. The use of other equipment in agricultural operations in the growing of crops, or the raising of fowl or animals.

g. Smoke or fumes which result from acts of God.

(50.7) RULE 4.5 Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(2.0) RULE 4.6 Additional Exception

The provisions of Rule 4.5 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(50.1.2) RULE 4.7 Wet Plumes

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 4.3, that rule shall not apply.

(51.13) RULE 4.8 Open Burning

No person shall burn any refuse or other material in an open outdoor fire within the boundaries of the Colusa County Air Pollution Control District except the following activities are permitted on "Burn Days".

a. When such fire is set of permission for such fire is given in performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary.

   1. For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means, or

   2. For the instruction of public or industrial employees in methods of fire fighting.

b. Conducting agricultural operations in the growing of crops, or raising of fowl, animals, or bees on a farm.

c. Safety flares for the combustion of waste gases.

d. When the material to be burned is residential rubbish and originates on and is being burned upon premises of a single or two family dwelling not served by an organized solid waste disposal service.

e. When the material being burned is residential rubbish and originates on and is being burned upon premises of a single or two family dwelling constituting a separate parcel of land under one ownership of a gross size of 5 acres or more.

f. When the substance being burned is dry native grass or weeds in place upon any of one of the following premises:

   1. Any ditch, canal, or the banks thereof.

   2. The right-of-way or other premises of any public utility of public agency.

g. Burning on burn days only.

RULE 4.8A Other Open Burning

Fires used only for cooking of food for human being or for recreational purposes are exempt from Regulation 4.8.

(51.9) RULE 4.9 Incinerator Burning

Except for the burning of material meeting criteria listed in Rule 4.8 d and except for refuse originating in one and two family residences. a person shall not burn any combustible refuse in any incinerator within the boundaries of the Colusa Couty Air Pollution Control District except in a multiple-chamber incinerator as described in Rule 1.2 k, or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control. Incinerator burning shall also be in compliance with the district or city fire department rules and regulations.

(50.1) RULE 4.10 Particulate Matter

Except as otherwise provided in Health and Safety Code Section 24245 and Rules 4.4 and 4.8, a person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, fumes, or particulate matter emissions in excess of 0.3 grains per cubic foot of gas at standard conditions.

(50.1.1) RULE 4.11 Dust and Condensed Fumes

A person shall not discharge in any one hour from any source whatsoever dust or fumes in total quantities in excess of the amounts shown in the following table:

To use the following table, take the process weight per hour as such is defined in the attached definitions. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 4 hours to complete, he will divide the weight of all materials in the specific process, in this example, he will divide the weight of all materials in the specific process, in this example, 2,400 lbs. by 4 giving a process weight per hour of 600 lbs. The table shows that A may not discharge more than 1.83 lbs. in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 4.10\ P^{0.67}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 55.0\ P^{0.11} - 40$$

E = rate of emission in pounds/hour.
P = process weight rate in tons/hour.

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,00	6.00	13.6			

(50.0) RULE 4.12 Specific Contaminants

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any state of combination thereof, exceeding in concentration at the point of discharge:

a. Sulphur compounds calculate as sulfur dioxide (SO_2) 0.2 percent by volume.

b. Combustion contaminants: 0.3 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions, except during the start of an operation or change in energy source, during the time necessary to bring the combustion process up to operating level. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(51.1) RULE 4.13 Prohibitions Regarding Orchard or Citrus Fruit Heaters

a. No new orchard or citrus heater produced or manufactured shall be sold, for use against frost damage unless it has been approved by the Air Resources Board. No person shall use any orchard or citrus heater after January 1, 1975, unless the Air Pollution Control District adopts a date between January 1, 1973 and January 1, 1975, unless it has been approved by the Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

b. Open fires in orchards or citrus groves are prohibited except that the use of commercially prepared charcoal briquettes or similar substances designed for the purpose is permitted.

c. The use of rubber tires or any rubber products in any combustion process in connection with any orchard or citrus grove heating is hereby prohibited.

(51.21) RULE 4.14 Additional Prohibitions

Notwithstanding any other provision of these rules, the burning of tires, rubber products, car bodies or parts, demolition material, or insecticide material containers is prohibited within the district at any time, unless said burning is performed in equipment meeting the requirements of Rule 4.9.

(51.21) RULE 4.15 Reduction of Animal Matter

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or

b. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purposes of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation , devices as specified in the Permit to Construct or to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this prohibition, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(51.16) RULE 4.16 Gasoline Storage

The following section of the State of California Health and Safety Code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 39068.2 et seq., Article 2, Chapter 3, Part 1, Division 26.

(2.0) RULE 4.17 Circumvention

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California.

When the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Prohibition I, that rule shall not apply. The burden of proof which establishes the application of the rule shall be upon the person seeking to come within its provisions.

(2.0) RULE 4.18 Separation of Emissions

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited in this Regulation cannot exceed the quantity which would be the allowable emission through a single emission point; the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

(2.0) RULE 4.19 Combination of Emissions

a. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operations, then all of the applicable prohibitions shall apply to each such source operation separately.

b. If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Part a of the prohibition, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined. Source operation means the last operation preceeding the emission of an air contaminant, which operation

c. Results in the separation of the air contaminants from the processed materials or in the conversion of the processed materials into air contaminants, as in the case of the combustion of fuel; and

d. Is not an Air Pollution Abatement operation.

(12.0) RULE 4.20 Emission Control for Used Motor Vehicles

Each 1955 through 1962 model year used car in the District shall be required to be equipped with an approved crankcase emission control device at the time of transfer of ownership.

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

(2.0) RULE 5.1 Applicable Articles of the Health & Safety Code

The provisions of Article 5 and Article 6, Chapter 2, Division 20 of the State of California Health and Safety Code, respectively entitled Variances and Procedure are applicable within the boundaries of the Colusa County Air Pollution Control District.

(2.0) RULE 5.2 General

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) RULE 5.3 Filing Petitions

Request for a hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, and by the payment to said clerk of a fee of $25.00.

No fee shall be required for the filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(2.0) RULE 5.4 Contents of Petitions

Every petition shall state:

a. The name, address, and telephone number of the petitioner, or other person authorized to receive service of notices;

b. Whether the petitioner is an individual, co-partnership, corporation, or other entity, and names and addresses of partners, if a co-partnership, names and addresses of the persons in control, if other entity;

c. The type of business or activity involved in the application and the street address or location at which it is conducted;

d. A brief description of the article, machine, equipment or other contrivance, if any , involved in the application;

e. Whether the petitioner desires a hearing;

   1. For a variance under provisions of Section 24292, Health and Safety Code.

   2. To revoke or modify a variance under provisions of Section 29298, Health and Safety Code.

f. Each petition shall be signed by the petitioner, or some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

g. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) RULE 5.5 Petition for Variances

In addition to the matters required by Rule 5.4, petition for Variance shall state briefly:

a. The section, rule or order complained of:

b. The facts showing why compliance with the section, rule or order is unreasonable;

c. For what period of time the variance is sought and why;

d. The damage or harm resulting, or which would result, to petitioners from a compliance with such section, rule or order;

e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements;

f. The advantages and disadvantages to the resident of the District resulting from granting a variance;

g. Whether or not operations under such variance, if granted, would constitute a nuisance.

(2.0) RULE 5.6 Failure to Comply with Rules

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing, and service of petitions, unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 5.7 Answers

Any person may file an answer within 10 days after service. All answers shall be served in the same manner as petitioners under provisions of Rule 5.3.

(2.0) RULE 5.8 Dismissal of Petition

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such a dismissal.

(16.0) RULE 5.9 Place of Hearing

All hearings shall be held at the place designated by the Hearing Board.

(16.0) RULE 5.10 Notice of Hearing

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under provisions of Section 24275, 24292, or 24299, Health and Safety Code.

(2.0) RULE 5.11 Evidence

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(13.0) RULE 5.12 Record of Proceedings

A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following

methods: 1. A written summary of all the evidence, testimony and proceedings had and presented at the hearing Board for the purpose; or 2. Any interested person, including the District, may at his own cost provide a certified shorthand reporter, satisfactory to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony, and proceedings had and presented at the hearing.

The original and one copy of such transcript, each certified to by the reporter as to its accuracy, shall be filed with the Hearing Board within 30 days from the closing date of the hearing, unless required by the Board prior to that time. No matter shall be deemed submitted under this regulation until such transcript has been filed with the Hearing Board, unless otherwise ordered by the Hearing Board.

(2.0) RULE 5.13 Preliminary Matters

Preliminary matters such as setting a date for a hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) RULE 5.14 Official Notice

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) RULE 5.15 Continuances

The Chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action, and may grant any reasonable continuance; in either case, such action may be exparte, without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 5.16 Decision

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) RULE 5.17 Effective Date of Decision

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 5.16, or the Hearing Board may order that the decision shall become effective sooner.

REGULATION VI - AGRICULTURE BURNING

(51.13) RULE 6.1 Agricultural Burning Permits

No person, knowingly shall set or permit agricultural burning for the disposal of agricultural waste unless he has a valid permit from the local agency designated by the Board in Section 6 of Rules VI. Name, location and amount of wastes burned daily must be reported to the Control Officer monthly.

(3.0) RULE 6.2 Permit Form

Permits issued pursuant to Rule 6.1 herein shall contain the following:

a. Name and address of the permittee.

b. Location of the proposed burning.

c. Acreage or estimated amount of waste to be burned.

d. The kind of agricultural waste to be burned.

e. The Statement "THIS PERMIT IS VALID ONLY ON THOSE DAYS WHICH ARE NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD".

f. Such other information as may be required by the agency issuing the permit.

g. Permits shall specify the hours 8 A.M. to 3 P.M. for ignition of fires.

(51.13) RULE 6.3 No Burn Days

No person shall knowingly set or permit agricultural burning on days within a period prohibited by the California Air Resources Board pursuant to Section 39298 of the Health and Safety Code.

(51.13) RULE 6.4 Preparation of Agricultural Waste

Agricultural waste shall be dry enough to assure complete combustion, and shall be free from extraneous materials. The following are minimum standards for the preparation of agricultural waste prior to burning.

a. Agricultural waste shall be free of other waste such as tires, rubbish, tar paper or construction debris.

b. Agricultural waste shall be arranged so that it will burn with a minimum of smoke, and except for large trees, only that amount that

can reasonably be expected to completely burn within the following twenty-four (24) hours shall be ignited on any one day.

c. Agricultural waste shall be reasonably free of dirt, soil and visible surface moisture.

d. To lower the moisture content of agricultural waste, the elapsed time between cutting and burning shall be:

1. A minimum of thirty (30) days for trees, stumps, and large branches greater than six (6) inches in diameter.

2. Sufficient time for other agricultural waste such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustions with a mimimum of smoke.

4. District may be permitted authorized burning of agriculture waste in shorter times if the denial of such permit would threaten imminent and substantial economic loss.

(51.13) RULE 6.5 Restricted Burning Days

If for any reason it becomes likely that wastes from more than 10% of the total agricultural acreage within a district will be burned on any one day, the Control Officer shall notify the local agencies designated in Section 6 that a condition of restricted burning exists. On days of restricted burning local agencies shall restrict the acreage allocated to the agency. The Control Officer shall pro-rate the amounts to be burned to each agency based on the estimated number of acres in the geographic area covered by the agency.

(3.0) RULE 6.6 Fire Permit Agencies

a. The State Air Resources Board is requested to designate local fire protection agencies as agencies to issue permits for burning of agricultural waste within the boundaries of their respective districts, districts listed as follows:

1. Arbuckle Fire Protection District

2. Bear Valley-Indian Valley Fire Protection District

3. Colusa Rural Fire Protection District

4. City of Colusa Fire Department

5. Grand Island Fire Protection District

6. Williams Fire Protection District

7. Princeton Fire Protection District

8. Maxwell Fire Protection District

RULE 6.6A Notification to Fire Department of "Burn Day" or "No Burn Day" at 8:00 A.M. each morning

I. The below rules apply only to rice stubble burning, for farmers, from October 1 through November 15th. All other burning will be handled as in the past.

1. The farmers must first acquire a Fire Permit from the district where "stubble burn" is to occur.

2. Prior to burning rice stubble, the farmer, must have authorization from the APO.

A. Will require Fire Permit #,

B. Acres to be burned that day, and

C. Other pertinent information, i.e. certain wind direction for safety etc.

3. If allotment for the day is complete the farmer's name will be put on a list for the next available "Burn Day". But the farmer must phone the APO prior to 10:00 A.M. to confirm his intentions to burn on the day designated.

4. If a farmer has authorization to burn and some problem arises so he can't burn - notify the APO so his allotment can be given to another person. Arrangements will be made for a future date with the person who returned his allotment.

II. Fire Chief's Information

1. Information will be relayed to the respective Fire Chief's who is burning, how many acres and if there is an allotment left, by 12:00 noon. If the farmer decides at the last minute he wishes to burn he may contact either the Fire Chief or the APO for authorization on that given day. If acreage allotment is still available, he may burn stubble.

NOTE: To alleviate a build up of rice stubble for these 45 days one should burn rice stubble when it is ready prior to October 1st.

Rice Stubble and Straw Burning

a. The following provision shall be satisfied by the Rules & Regulations of each District in the Basin in respect to burning rice stubble.

b. Rice Straw Burning

1. All rice harvesting shall employ a mechanical straw spreader to insure even distribution of the straw with the following exception:

(a) Rice straw may be left in rows provided it meets drying time criteria prior to a burn as described in Section d. of this provision.

2. Rice stubble is to be ignited only by strip firing into the wind or by backfiring except where and when extreme fire hazards are declared to exist.

c. Burning Hours

1. Burning hours shall be set by individual districts but no rice straw burning shall commence before 10:00 A.M. nor after 5:00 P.M. of any day.

d. Drying Time

1. After harvest

(a) No spread rice straw shall be burned prior to a three (3) day drying period.

(b) No rowed rice straw shall be burned prior to a ten (10) day drying period.

(c) Sections (a) and (b) above do not apply if the rice straw makes an audible crackle when tested just prior to burning with the testing method described in Section e of these provisions.

2. After a rain

(a) After a rain exceeding .15 inch (fifteen hundredths of an inch), rice straw shall not be burned unless the straw makes an audible crackle when tested just prior to burning with the testing method described in Section e. of these provisions.

e. Testing Procedures to Determine Straw Dryness

1. When checking the field for moisture, a composite sample of straw from under the mat, in the center of the mat and from

different areas of the field shall be taken to insure a representative sample. A handful of straw from each area will give a good indication.

f. Acreage Allotment

1. During the critical period from October 1 through November 15 of each year, the acreage of agricultural burning shall be reduced to 50% (i.e. one-half) of the allotment which is permitted during other times of the year.

(2.0) RULE 6.7 Exceptions

The burning of agricultural waste is exempt from the provisions of Rule 6.1 through 6.6 of these rules if:

a. The burning is done at 4,000 feet or more above mean sea level.

b. The burning is performed with LPG or natural gas - fire burners designed and used to kill seeding grass and weeds in orchards and field crops, and the growth is such that combustion will not continue without the burner, also when used in the harvesting of certain vine crop seeds for dessication purposes.

(51.13) RULE 6.8 Tires

The use of tires for the ignition of fires is prohibited.

(51.13) RULE 6.9 Fire Prevention

Nothing in these rules is intended to permit open burning of agricultural waste on days designated by the California Air Resources Board as "no-burn days" because the denial of such permit would threaten eminent as substantial economic loss.

(51.13) RULE 6.10 Burning on No-Burn Days

The APO may by permit authorize burning of agricultural waste on days designated by the California Air Resources Board as "no-burn days" because the denial of such permit would threaten eminent and substantial economic loss.

(15.0) RULE 6.11 Enforcement

The Air Pollution Control Officer will ensure that these regulations are complied with and shall enforce all State and local regulations regarding Air Pollution Control.

(15.0) RULE 6.12 Penalty

A violation of these regulations is a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding Five Hundred Dollars ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

39067.2.

The motor vehicle is the major source of the atmospheric pollution in California and costs the state untold millions of dollars annually. It has been often suggested that periodic inspection of the engine systems of motor vehicles would be an incentive for their owners to properly maintain the vehicle, thus achieving a measurable reduction in vehicle emissions. However, the benefits and costs associated with an emissions inspection program are unknown.

Therefore, the board shall undertake a study project to determine (a) the reduction in automotive emissions that could be achieved by practicable vehicle emission inspection programs and (b) the costs of carrying out such programs on a permanent basis.

The board shall report its findings and recommendations to the Legislature no later than July 1, 1971. Should the board recommend the initiation of any specific vehicle emission inspection program, its report shall describe in detail its estimate of the reduction in air pollution that would be achieved, the manner in which the program would operate, and its projected annual costs. (Added by Stats. 1970. Ch. 451.)

39068.

All penalties paid to the board pursuant to subdivision (m) of Section 39052 shall be paid into the State Treasury for credit to the Air Pollution Control Fund, which fund is hereby created. The money paid into the Air Pollution Control Fund is continuously appropriate to the board to carry out the provisions of this part. (Amended by Stats. 1970, Ch.694)

39068.1.

(a) During the 1972 model year, but not later than January 1, 1972, the regulations adopted pursuant to subdivision (m) of Section 39052 shall provide for the testing of motor vehicles on factory assembly lines or in such manner as the board determines best suited to carry out the purpose of this part.

(b) Should a motor vehicle not meet the prescribed assembly line standards, the motor vehicle may be retested according to the official test procedures upon which original approval for that make and model vehicle was based. Any motor vehicle meeting the applicable emission standards by either of the aforementioned testing procedures shall be deemed to meet the emission standards of the State of California and shall be eligible for sale in this state.

(c) Commencing with the 1973 model year, no new motor vehicle shall be sold in California that does not meet the emission standards adopted by the board, and any manufacturer who sells, attempts to sell, or causes to be offered for sale a new motor vehicle that fails to meet the applicable emission standards shall be subject to a civil penalty of five thousand dollars ($5,000) for each such action. The board and the Department of the California Highway Patrol shall enforce the provisions of this subdivision. (Added by Stats. 1970, Ch. 1295.)

39068.2

(a) Except as provided in subdivision (b), any person who installs or maintains any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe, unless such tank is a pressure tank as described in Section 39068.3, or is equipped with a vapor recovery system as described in Section 39068.4 or with a floating roof as described in Section 29068.5, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the air pollution control officer in whose district the equipment is located, or, where no such district exists, by the State Air Resources Board, is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any stationary tanks installed prior to December 31, 1970.

(c) For the purpose of this section, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

(d) For the purpose of this section, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe," when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(e) Subdivision (a) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 36000) of the Vehicle Code. (Am. Ch. 589 1971)

39068.3.

A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere. (Added by Stats. 1970, Ch. 1295.)

39068.4

A "vapor recovery system" consists of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place. (Added by Stats. 1970, Ch. 1295.)

39068.5

A "floating roof" consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this section shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place. (Added by Stats. 1970, Ch. 1295.)

AMENDMENT NO. 3.

TO

RULES AND REGULATIONS
COLUSA AIR POLLUTION CONTROL DISTRICT

A. "Agricultural burning" means open outdoor fires used in agricultural operations, in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat.

B. "Open burning in agricultural operations in the growing of crops or raising of fowls or animals" or open burning "Ag - Waste" means:

1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution, and

2. In connection with operations qualifying under Subdivision 1:

a. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation: and

b. The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting or crops and which are used in the field. Examples are fertilizer and pesticide sacks or containers, where the sacks or containers are emptied in the field.

c. "Range improvement burning" means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

d. "Forest management burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

e. "Timber operations" means cutting or removal of timber or other forest vegetation.

f. "Silvicultural" means the establishment, development, care and reproduction of stands of timber.

g. "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.

h. "Board" means the State Air Resources Board, or any person authorized to act on its behalf.

i. "Designated Agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.

j. A "no-burn" day means any day on which agricultural burning is prohibited by the Board.

k. A "permissive-burn" day means any day on which agricultural burning is not prohibited by the Board.

l. "District" means the Colusa County Air Pollution Control District.

m. Approved ignition devices - Includes those instruments or materials that will ignite open fires for agricultural burning without the production of black smoke by the ignition device. This includes such items as liquid petroleum gas, butane, propane, or pressurized diesel fuel oil burners, and flares, but does not include the use of tires, tar paper, oil, and other similar materials.

AGRICULTURAL BURNING

Advance Burning Notices

Permissive burn, no-burn notices will be made available up to 48 hours in advance for range improvement burns if the permittee notifies, through the designated agency, the Board and the District in writing seven days prior to the proposed burn.

The following information is required on the notification:

A. Elevation of burn area.

B. Acreage of burn .

C. Location (township, range, sections) .

D. Name of nearest city .

E. Distance and direction to nearest city .

F. County in which burn located .

G. Proposed date of burn .

H. Amount of acreage treated (if range improvement burn) .

I. Persons to be notified, organizations and phone numbers .

The burning notice will be available up to 48 hours in advance of the burn. If a no-burn notice is issued, the advance notice will continue until a permissive-burn notice is issued.

An advisory outlook will be available up to 72 hours in advance of the burn.

The Board may cancel advance notices issued more than 24 hours in advance of the burn if, for compelling reasons, this action is necessary to maintain suitable air quality.

Range Improvement Burning

The following are minimum provisions relating to Range Improvement.

A. The brush to be burned shall be treated at least six (6) months prior to the burn if determined to be economically and technically feasible by the Air Pollution Control Officer:

B. The burn shall be ignited as rapidly as practicably within applicable fire control restrictions;

C. Unwanted trees over six inches in diameter shall be filled prior to the burn and dried for three (3) months;

D. Persons desiring to conduct burning primarily for the improvement of land for wildlife and game habitat shall file with the district a statement obtained from the Department of Fish and Game certifying that the burn is desirable and proper.

E. Only approved ignition devices are to be used.

F. Maximum care must be taken to keep smoke from drifting into the smoke sensitive areas of district.

Forest Management Burning

The following are minimum provisions relating to forest management burning of both piled and scattered waste:

A. The waste shall be dried for minimum periods to be specified by the designated agency;

B. The waste shall be ignited as rapidly as practicable within applicable fire control restrictions;

C. The wastes shall be free of tires, rubbish, tar paper or construction debris; and

D. The waste to be burned, shall be windowed or piled where possible, unless good silvicultural practice dictates otherwise.

E. The piled wastes shall be prepared so that it will burn with a minimum of smoke; and

F. The piled wastes shall be reasonably free of dirt and soil.

G. Only approved ignition devices are to be used .

H. Maximum care must be taken to keep smoke from drifting into the smoke sensitive areas of district.